

**BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE: H. S. RAMESH, M.D.**

**CONSENT ORDER**

The West Virginia Board of Medicine ("Board") and H.S. Ramesh, M.D., a.k.a. Holenarsipur Sessaiah Setty Ramesha ("Dr. Ramesh"), freely and voluntarily enter into the following Consent Order pursuant to the provisions of W. Va. Code § 30-3-14, *et seq.*:

**FINDINGS OF FACT**

1. Dr. Ramesh currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 17815, issued originally in 1994. Dr. Ramesh's address of record is in Charleston, West Virginia.

2. Patient 1 was an ongoing patient of Dr. Ramesh when she sought additional treatment from Dr. Ramesh related to injuries sustained in an automobile accident.

3. After Patient 1's automobile accident she underwent an initial examination by and consultation with Dr. Ramesh regarding her injuries from the accident. On the next day, Patient 1 returned to Dr. Ramesh's office for treatment and was told by Dr. Ramesh's office assistant that Dr. Ramesh would not treat Patient 1 unless Patient 1 agreed to sign a "letter of protection" ("LOP").

4. Patient 1 had valid health insurance at the time she sought the additional treatment from Dr. Ramesh, health insurance Dr. Ramesh had accepted from Patient 1 in the past.

5. Patient 1's attorney contacted Dr. Ramesh's office and explained to Dr. Ramesh's office manager that his firm would reimburse the health insurance company if the litigation was successful and asked that Dr. Ramesh's office submit Patient 1's bills to her health insurance carrier for payment. Additionally, Patient 1's attorney told Dr. Ramesh's office that he would pay all accounts not covered by health insurance (if her claim was successful).

6. When Patient 1 went to her appointment the next day, Dr. Ramesh's office assistant indicated to Patient 1 that Dr. Ramesh would not treat her that day because she did not have a LOP as required by the practice of Dr. Ramesh's office.

7. Patient 1's attorney, Harry G. Deitzler, Esq. ("Mr. Deitzler"), filed a complaint with the Board by letter dated May 27, 2008.

8. An investigation was undertaken and by letter dated July 17, 2008, Dr. Ramesh responded to the complaint filed by Mr. Deitzler.

9. In his response of July 17, 2008, Dr. Ramesh noted that his office has a policy of requiring an LOP for "all new or prospective patients who have claims against third-party tort-feasors." Dr. Ramesh also noted in his response that Medicare, Medicaid and private insurers "pay only a fraction of my usual and customary charges." Additionally, Dr. Ramesh stated in his response that first party insurers (e.g. health insurers) will not pay expenses if they believe some other entity (e.g. a tort-feasor or third-party insurer) is responsible for the payment.

10. In his response of July 17, 2008, Dr. Ramesh stated that "She was not treated that day because she did not have a LOP signed by an attorney, and was not offering to pay for her care when it was provided."

11. At the time Dr. Ramesh's office assistant advised Patient 1 that Dr. Ramesh would not treat her, Patient 1 was an established patient of Dr. Ramesh.

12. At the time Dr. Ramesh's office assistant advised Patient 1 that Dr. Ramesh would not treat her because "she did not have a LOP", Patient 1 was covered by an in-force policy of health insurance.

13. At the time Dr. Ramesh's office assistant advised Patient 1 that Dr. Ramesh would not treat her, Dr. Ramesh was an approved and/or preferred provider under agreement with the health insurance company that carried Patient 1's policy of insurance.

14. Had Patient 1 agreed to an LOP, Dr. Ramesh would have been reimbursed at a higher rate for his services than had he accepted Patient 1's policy of insurance (vis-a-vis an assignment of benefits) if the patient's attorney honored the LOP.

15. Had Patient 1 been successful in her litigation, her obligation to repay Dr. Ramesh under an LOP would have been higher than her obligation to satisfy the subrogation claim of her health insurance carrier.

16. At the time Dr. Ramesh's office assistant advised Patient 1 that Dr. Ramesh would not treat her, Patient 1's health insurance carrier's procedure was to apply its practitioner program requirements and administrative guidelines to all patients treated by its approved practitioners without regard to the existence of a subrogation claim and the carrier would accept claim submissions for treatment of patients with a subrogation claim.

### **CONCLUSIONS OF LAW**

1. The Board has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W. Va. Code § 30-3-1.

2. Probable cause exists to substantiate charges against Dr. Ramesh pursuant to W. Va. Code § 30-3-14 (c)(17), 11 CSR 1A 12.1 (e) and (j), and 11 CSR 1A 12.2 (d), relating

to unprofessional conduct, and W. Va. Code § 30-3-14 (c)(9), (12) and (17), 11 CSR 1A 12.1 (s) and (v), relating to: making a deceptive, untrue or fraudulent representation in the practice of medicine and exercising influence on a patient in such a way as to exploit the patient for financial gain of the physician.

3. The Board has determined that it is appropriate and in the public interest to waive the commencement of proceedings against Dr. Ramesh and to proceed without the filing of formal charges in a Complaint and Notice of Hearing, provided Dr. Ramesh complies with the terms and conditions set forth herein.

### **CONSENT**

H.S. Ramesh, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and the proceedings conducted in accordance with this Order, to the following:

1. Dr. Ramesh acknowledges that he is fully aware that, without his consent here given, no permanent legal action may be taken against him except after a hearing held in accordance with W. Va. Code § 30-3-14 (h) and W. Va. Code § 29A-5-1, *et seq.*

2. Dr. Ramesh further acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him.

3. Dr. Ramesh waives all rights to such a hearing.

4. Dr. Ramesh consents to the entry of this Order relative to his practice of medicine and surgery in the State of West Virginia.

5. Dr. Ramesh understands that this Order is considered public information.

**ORDER**

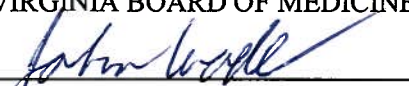
**WHEREFORE**, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Ramesh, the West Virginia Board of Medicine hereby **ORDERS** as follows:

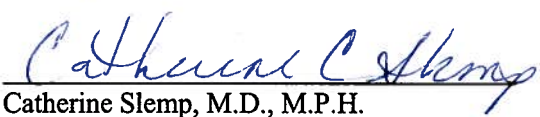
1. Dr. Ramesh shall pay a civil fine in the amount of one thousand dollars (\$1,000), to be received in the Board offices no later than September 10, 2009.

2. If Dr. Ramesh does not comply and/or fails to comply timely with the terms of this Consent Order, on November 2, 2009, Dr. Ramesh's license to practice medicine and surgery shall be immediately and automatically SUSPENDED without further administrative process, including, but not limited to, a hearing on the matter, for a period of six (6) months, and may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

The foregoing Order was entered this 9th day of September, 2009.

WEST VIRGINIA BOARD OF MEDICINE

  
John A. Wade, Jr., M.D.  
President

  
Catherine Slemp, M.D., M.P.H.  
Secretary

  
H.S. Ramesh, M.D.

Date: 9/1/09

STATE OF West Virginia

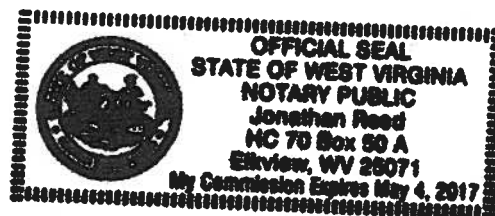
COUNTY OF Kanawha

I, Jonathan Reed, a Notary Public in and for said county and state do hereby certify that, H.S. Ramesh, M.D., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 1st day of September, 2009.

My commission expires May 4, 2017.

Jonathan Reed  
Notary Public





# State of West Virginia *Board of Medicine*

JOHN A. WADE, JR., MD  
PRESIDENT

CATHERINE SLEMP, MD, MPH  
SECRETARY

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J. DAVID LYNCH, JR., MD  
VICE PRESIDENT

ROBERT C. KNITTLE  
EXECUTIVE DIRECTOR

September 10, 2009

H. S. Ramesh, M.D.  
Physical Medicine & Rehabilitation Associates, Inc.  
400 Court Street, Suite 203  
Charleston, West Virginia 25301

RE: H. S. Ramesh, M.D.

Dear Dr. Ramesh:

Enclosed please find a copy of the fully executed Consent Order in the above-referenced matter.

We are in receipt of your civil fine in the amount of \$1,000, as referenced in the Consent Order. Consequently, as of September 9, 2009, you are in full compliance with the terms of this Consent Order.

In accordance with the statute, the Consent Order will remain a permanent part of your historical record maintained by the Board. A copy of this letter will be attached to the Consent Order and will remain a part of the Consent Order.

Thank you for your cooperation and patience throughout this process and continued best wishes for success.

Sincerely,

Robert C. Knittle

RCK/meb  
Enclosure

pc: John D. Hoffman, Esq.  
Flaherty, Sensabaugh & Bonasso, P.L.L.C.  
P. O. Box 3843  
Charleston, WV 25338-3843